



Kraft Foods

Ronald J. Triani
Director, Scientific Relations

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August 21, 2000

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

**RE: FOOD LABELING: USE OF THE TERM "FRESH" FOR FOODS
PROCESSED WITH ALTERNATIVE, NON-THERMAL TECHNOLOGIES
65 Fed. Reg. No. 128 (July 3, 2000)
Docket No. 00N-1351**

Dear Sir or Madam:

Kraft Foods, Inc., is the leading food manufacturer in the U.S., producing over 8 billion individual packages of food a year, with annual sales over \$17.5 billion in 1999. Kraft products are sold under well known brand names – such as Kraft, Maxwell House, Oscar Mayer, Jell-O, and Post – which are found in almost every home. We have followed and participated in the extensive rulemakings on food labeling. We continue to monitor the development of new food labeling regulations due to their potential impact on consumer food choices and our substantial interest in food regulation. Kraft commends FDA on this effort to consider the implications of new emerging technologies, which may offer benefits in improved quality and safety to the American food supply. Kraft offers the following comments and suggestions with regard to the use of the term "fresh" on labels.

General Comments

The term "fresh" includes more than just the notion of recently harvested or recently prepared. Fresh also refers to certain product characteristics or properties closely associated with recently harvested or prepared foods. For example, "fresh" is used to describe certain organoleptic properties, like aroma, color, moisture, texture, etc., which consumers associate with fresh products. Fresh does not need to be associated with a short shelf-life or necessarily require the product to be "raw".

We see no need to reopen the definition of fresh as currently described in the rule at 21 CFR 101.95. We recommend that new and emerging technologies, which do not change the product qualities associated with freshness and the perception of those qualities, could be labeled fresh, as long as the term is not misleading in the labeling context. For example, the inclusion of a description of the processing step on the label along with the term fresh could avoid any misconceptions, as in the case of "fresh, pasteurized milk".

00N-1351

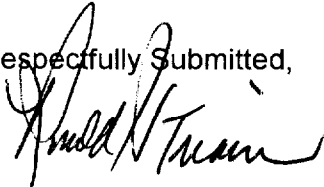
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The use of the word "fresh" to refer to foods that have been treated using any new, emerging technology should be evaluated on a case-by-case basis. Whether a product treated with a new technology remains "fresh" may be affected not just by the technology, but the intensity and time of exposure to that technology. For example, a product exposed to irradiation, if applied in such a manner as to retain product characteristics of foods recently harvested, might still be considered fresh by consumers, and therefore, should be allowed to be labeled fresh. Moreover, whether the word "fresh" is misleading depends as much on the context in which the word is used in labeling as on the technology applied to the food.

Recommendation

Kraft recommends that FDA interpret and apply the rule in 21 CFR 101.95 to allow the term fresh to be used on products treated with new technologies, as long as the label as a whole is not misleading to consumers. Fresh should be allowed on the label if those new technologies, in addition to their prescribed benefit, help to retain those product characteristics that consumers interpret as meaning "fresh". There is no justification for a black and white rule prohibiting the use of this common word, just because new technology is involved.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald J. Triani", written over the typed name.

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Kraft Foods



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